



- I. Filing a complaint
  - a. Any employee who believes they have been subjected to discrimination or harassment in the workplace or related to their employment by anyone (including but not limited to supervisors, coworkers, or contractors/vendors) should immediately notify any of the following individuals: their immediate supervisor, department director, EEO program manager, human resources consultant, or any other manager at the city to whom they are comfortable reporting such matters.
  - b. Employees are encouraged to submit their complaint by submitting a [complaint form](#) to human resources.
  - c. Any supervisor, manager or other city official who has knowledge of any incident of harassment or discrimination prohibited by this policy is *required* to immediately report such information to the city's EEO program manager. The supervisor may also complete and submit the EEO Complaint Form on behalf of an employee.
  - d. A third-party who observes or is aware of discrimination or harassment may also complete and submit the EEO complaint form.
  - e. Complaints that pertain to actions or conduct that occurred more than six (6) months before filing a complaint are extremely difficult to investigate and may be dismissed.
- II. Review
  - a. All complaints will be reviewed by the EEO program manager.
    - i. If the complaint is a potential violation of the anti-discrimination and harassment policy, the EEO program manager, or designee, will proceed with an investigation.
    - ii. If the complaint is not determined to be a potential violation of the anti-discrimination and harassment policy, the EEO program manager may dismiss the complaint and will notify the complainant. If the complaint may be a violation of other city policies, the EEO program manager may also notify the HR consultant and/or department director, who may assist in addressing the complainant's concerns with the department.
  - b. If an investigation proceeds, the department director (or the chief of staff if the accused is a department director) will be notified of the investigation.
- III. Interviews
  - a. An investigation may include but is not limited to interviews with the complainant(s), witnesses, and accused person(s) as well as a review of any relevant evidence. Interviews will be conducted in accordance with the following guidelines:
    - i. When interviewing a complainant, the complainant may bring a representative and a recording will be made by human resources. No other recordings are permitted. A copy of the recording will be available to the complainant upon request and may be subject to GRAMA.
    - ii. When interviewing witnesses, no representatives are permitted and no recordings will be made. For questions on what to expect during these interviews, a witness may consult with the EEO program manager, their HR consultant or with a union representative to review the steps outlined in this procedure.
    - iii. When interviewing an employee accused of a violation of the anti-discrimination and harassment policy:
      - 1. No representatives are permitted and no recording will be made for employees not covered by an MOU.
      - 2. When an employee is covered by an MOU, the investigative interview process will be followed. This may include the accused being provided notice of the allegations, being allowed to bring a representative to the investigative interview, and a recording being made of the interview.
- IV. Notification
  - a. All appropriate parties will be notified of the findings of the investigation.



- i. In most situations, a report from the EEO program manager or designee summarizing the investigation and conclusions will be hand delivered to the department director and a follow up email sent to the department director with a copy to the human resources director. Once notified of the findings of an investigation, the department director must notify the investigator within 15 days regarding the action, if any, they intend to take in response to the investigation.
- ii. A letter outlining the allegations and outcome of the investigation will be delivered by the EEO program manager or designee to the complainant. This will preferably be done in person and will not be recorded. The complainant may bring a representative to this meeting.
- iii. A letter is sent by the EEO program manager or designee to the accused notifying them of the outcome of the investigation, including any substantiated allegations.
- iv. The investigation process (including but not limited to who is interviewed, the order of interviews, what information is considered, and how parties are notified) is determined in the sole discretion of the investigator in order to best meet the needs of the individual complaint.

V. Records

- a. EEO reports, letters to the parties, documentation collected in the investigation, recordings and notes are filed in EEO case files and are not part of the employee's official personnel file.
- b. Any disciplinary action notice issued as a result of an EEO investigation will be stored in the employee's official personnel file.
- c. Records will be kept in accordance with the city's retention schedule.

Current References:

[EEO Complaint Form](#)

[Anti-Discrimination and Harassment Policy](#)

Approved and passed this 31<sup>st</sup> date of December, 2016